

Remarks

Applicants hereby provisionally elect Group II, Claims 39-63, for prosecution. Applicants further elect Species A, readable on claims 39-51. In this regard, the Office Action asserted that Species A includes Claims 39-44, but the Office Action was silent with respect to Claims 45-51. Applicant submits that Claims 45-51 are properly included in Species A because the method steps of Claim 45 all have corresponding apparatus features in Claim 39. Thus, Claim 45 may be considered a method or process for using the apparatus of Claim 39. According to 37 CFR 1.475(b), in such a situation, there is unity of invention between the apparatus and process claims.

Accordingly, it is submitted that Claims 39, 41-48, and 50-51 should be included in the Group II/Species A grouping (Claims 40 and 49 having been canceled above).

Notwithstanding the above election, Applicants respectfully traverse the restriction requirement between Groups I and II, for the following reason. Applicants have amended each of Claims 26 and 39 to include the feature that said at least one nozzle of the/each teat cup is arranged to discharge treatment fluid in a direction towards said discharge passageway of the flexible liner. This feature is not shown in the prior art of record, and therefore amended Claims 26 and 39 share a common technical feature.

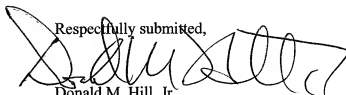
Applicants therefore submit that at least Claims 26-39, 41-48, and 50-51 should be examined on the merits.

* * *

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl No.: 10/576,744
Amdt. dated 07/30/2010
Reply to Restriction Requirement of 06/03/2010

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

Donald M. Hill, Jr.
Registration No. 40,646

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JULY 30, 2010.